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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,806	03/15/2000	Mikko Lukkaroinen	490-009156-US(PAR)	9761

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05/04/2004

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EXAMINER

NALVEN, ANDREW L.

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 05/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

7

Office Action Summary

Application No.

09/525,806

Applicant(s)

LUKKAROINEN ET AL.

Examiner

Andrew L Nalven

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2, 4-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-2 and 4-5 are pending.
2. The amendment submitted 24 February 2004 has been received and entered.

Response to Arguments

3. Applicant's arguments filed 24 February 2004 have been fully considered but they are not persuasive.
4. The examiner contends that the combination of the Holmes and Wallent references teaches all the limitations of claims 1 and 4. Holmes teaches a control processor for operating a mobile device (Holmes, column 3 lines 5-9 and column 3 lines 52-54) that has a display (Holmes, Figure 2) and a display on a mobile device (Holmes, Figure 2). Holmes further teaches a server sending inquiries for confidential identity codes to the mobile device (Holmes, column 5 lines 13-25). Wallent teaches the identification of whether inquiries are external or internal (Wallent, column 7 lines 39-56 and column 4 lines 37-42, column 3 lines 22-29), routing means to send externally generated information only to the first display zone (Wallent, Figure 7, column 9 line 67 – column 10 line 10, Figure 5), the existence of static and dynamic display zones (Wallent, Figure 7), and the generation of an indication symbol in the second display zone when an inquiry is internally generated (Wallent, Figure 7, column 4 lines 48-49).
5. Applicant has argued on page 5 that the Holmes reference fails to address security measures for a mobile telephone. Applicant contends that the system of

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Holmes only addresses breaches coming from remote wireless communications.

Examiner contends that the combination of Holmes and Wallent teaches the addressing of security breaches coming into remote wireless devices. Holmes teaches a remote entity querying confidential information from a mobile device (Holmes, column 2 lines 50-56). Wallent teaches the determination of whether a query is coming from a remote entity (Wallent, column 7 lines 39-56), the displaying of information in a first display zone (Wallent, Figure 7), and the generating of an indication symbol in a second display zone when the request is internally generated (Wallent, column 4 lines 29-51, Figure 7, column 7 lines 38-45).

6. Applicant further argues against the combination of the Holmes and Wallent references on pages 5 and 6. Applicant argues that Wallent fails to cure the defects of Holmes. Examiner contends that Wallent does teach all the limitations that Holmes lacks (see paragraph 4 above). Applicant has further argued against the combination by stating that the teachings of Wallent are not applicable to Holmes because Wallent's invention is directed to a system for a personal computer and thus the system is "complex and requires considerably more processing and memory resources than that available on a mobile telephone." Examiner contends that the application of Wallent to Holmes is possible and even suggested by Wallent as he states, "the invention may be practiced with other computer system configurations including hand-held devices" (Wallent, column 4 lines 61-66).

7. Applicant has further argued on page 6 that there is no mention in either of the cited references of security problems caused by interactive applications used on a

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mobile telephone. Further, Applicant has submitted that the disclosure of Wallent is non-analogous art and bears no relation to the system of Holmes. Examiner contends that Wallent is not non-analogous art. Wallent does teach a system for dealing with security problems caused by interactive applications and suggests the system is applicable to mobile devices.

8. Applicant has argued on page 7 that the Examiner has failed to present a prima facie case of obviousness with respect to the claims. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Holmes and Wallent references provide teaching for all of the claimed limitations and provide motivation in that the combination would offer the advantage informing the user prior to performing a risky operation and establishing differing levels of trust for operations performed at the request of different entities (Wallent, column 2, lines 20-49).

9. The rejection seen below is substantially similar to the rejection found in the non-final rejection mailed 11 December 2003 (paper number 4).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmes et al US Patent No. 6,334,056 in view of Wallent et al US Patent No. 6,366,912. Holmes teaches a secure gateway for handhelds.

12. With regards to claims 1 and 4, Holmes teaches a control processor for operating a mobile device (Holmes, column 3 lines 5-9 and column 3 lines 52-54) that has a display (Holmes, Figure 2). Holmes further teaches a server sending inquiries for confidential identity codes to the mobile device (Holmes, column 5 lines 13-25). Holmes fails to teach the ability to identify if inquiries are external or internal and the displaying of the result of the identification on the mobile device display. Wallent teaches a browser that supports network security zones. Wallent teaches the identification of whether inquiries are external or internal (Wallent, column 7 lines 39-56 and column 4 lines 37-42, column 3 lines 22-29), routing means to send externally generated information only to the first display zone (Wallent, Figure 7, column 9 line 67 – column 10 line 10, Figure 5), and the generation of an indication symbol in the second display zone when an inquiry is internally generated (Wallent, Figure 7, column 4 lines 48-49). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Wallent's security zone system because it offers the advantage

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of allowing the categorizing of different servers according to levels of trust and removing the need to repeatedly query the user for permission to perform certain possibly dangerous operations (Wallent, column 2, lines 31-49).

13. With regards to claims 2 and 5, Holmes and Wallent teach first and second display zones that are dynamic and static displays respectively (Wallent, Figure 7).

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 703 305 8407. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703 308 4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven

AN

Matthew B. Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
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